

- Sec.  
7772. Transfer authority.  
 (a) Authority to transfer certain funds.  
 (b) Availability.  
 (c) Secretarial discretion.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1961, 8401 of this title; title 6 section 231.

**§ 7701. Findings**

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds, and its use should be facilitated by the Department of Agriculture, other Federal agencies, and States whenever feasible;

(3) it is the responsibility of the Secretary to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk of harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk of dissemination of plant pests or noxious weeds;

(4) decisions affecting imports, exports, and interstate movement of products regulated under this chapter shall be based on sound science;

(5) the smooth movement of enterable plants, plant products, biological control organisms, or other articles into, out of, or within the United States is vital to the United States' economy and should be facilitated to the extent possible;

(6) export markets could be severely impacted by the introduction or spread of plant pests or noxious weeds into or within the United States;

(7) the unregulated movement of plant pests, noxious weeds, plants, certain biological control organisms, plant products, and articles capable of harboring plant pests or noxious weeds could present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(8) the existence on any premises in the United States of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States could constitute a threat to crops and other plants or plant products of the United States and burden interstate commerce or foreign commerce; and

(9) all plant pests, noxious weeds, plants, plant products, articles capable of harboring plant pests or noxious weeds regulated under this chapter are in or affect interstate commerce or foreign commerce.

(Pub. L. 106-224, title IV, § 402, June 20, 2000, 114 Stat. 438.)

## REFERENCES IN TEXT

This chapter, referred to in pars. (4) and (9), was in the original "this title", meaning title IV of Pub. L.

106-224, June 20, 2000, 114 Stat. 438, which is classified principally to this chapter. For complete classification of title IV to the Code, see Short Title note set out below and Tables.

## SHORT TITLE

Pub. L. 106-224, title IV, § 401, June 20, 2000, 114 Stat. 438, provided that: "This title [enacting this chapter, amending section 7759 of this title and section 129a of Title 21, Food and Drugs, and repealing sections 148, 148a, 148c to 148f, 149, 150, 150a to 150g, 150aa to 150jj, 151 to 154, 156 to 164, 164a, 167, 1651 to 1656, and 2801 to 2813 of this title, and provisions set out as notes under sections 147a, 150, 150aa, 151, and 1651 of this title] may be cited as the 'Plant Protection Act'."

## TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 7702. Definitions**

In this chapter:

**(1) Article**

The term "article" means any material or tangible object that could harbor plant pests or noxious weeds.

**(2) Biological control organism**

The term "biological control organism" means any enemy, antagonist, or competitor used to control a plant pest or noxious weed.

**(3) Enter and entry**

The terms "enter" and "entry" mean to move into, or the act of movement into, the commerce of the United States.

**(4) Export and exportation**

The terms "export" and "exportation" mean to move from, or the act of movement from, the United States to any place outside the United States.

**(5) Import and importation**

The terms "import" and "importation" mean to move into, or the act of movement into, the territorial limits of the United States.

**(6) Interstate**

The term "interstate" means—

(A) from one State into or through any other State; or

(B) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

**(7) Interstate commerce**

The term "interstate commerce" means trade, traffic, or other commerce—

(A) between a place in a State and a point in another State, or between points within the same State but through any place outside that State; or

(B) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

**(8) Means of conveyance**

The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.

**(9) Move and related terms**

The terms “move”, “moving”, and “movement” mean—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce the carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in a preceding subparagraph.

**(10) Noxious weed**

The term “noxious weed” means any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.

**(11) Permit**

The term “permit” means a written or oral authorization, including by electronic methods, by the Secretary to move plants, plant products, biological control organisms, plant pests, noxious weeds, or articles under conditions prescribed by the Secretary.

**(12) Person**

The term “person” means any individual, partnership, corporation, association, joint venture, or other legal entity.

**(13) Plant**

The term “plant” means any plant (including any plant part) for or capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.

**(14) Plant pest**

The term “plant pest” means any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product:

(A) A protozoan.

(B) A nonhuman animal.

(C) A parasitic plant.

(D) A bacterium.

(E) A fungus.

(F) A virus or viroid.

(G) An infectious agent or other pathogen.

(H) Any article similar to or allied with any of the articles specified in the preceding subparagraphs.

**(15) Plant product**

The term “plant product” means—

(A) any flower, fruit, vegetable, root, bulb, seed, or other plant part that is not included in the definition of plant; or

(B) any manufactured or processed plant or plant part.

**(16) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(17) State**

The term “State” means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

**(18) Systems approach**

For the purposes of section 7712(e) of this title, the term “systems approach” means a defined set of phytosanitary procedures, at least two of which have an independent effect in mitigating pest risk associated with the movement of commodities.

**(19) This chapter**

Except when used in this section, the term “this chapter” includes any regulation or order issued by the Secretary under the authority of this chapter.

**(20) United States**

The term “United States” means all of the States.

(Pub. L. 106-224, title IV, § 403, June 20, 2000, 114 Stat. 438.)

**SUBCHAPTER I—PLANT PROTECTION****§ 7711. Regulation of movement of plant pests****(a) Prohibition of unauthorized movement of plant pests**

Except as provided in subsection (c) of this section, no person shall import, enter, export, or move in interstate commerce any plant pest, unless the importation, entry, exportation, or movement is authorized under general or specific permit and is in accordance with such regulations as the Secretary may issue to prevent the introduction of plant pests into the United States or the dissemination of plant pests within the United States.

**(b) Requirements for processes**

The Secretary shall ensure that the processes used in developing regulations under subsection (a) of this section governing consideration of import requests are based on sound science and are transparent and accessible.

**(c) Authorization of movement of plant pests by regulation****(1) Exception to permit requirement**

The Secretary may issue regulations to allow the importation, entry, exportation, or movement in interstate commerce of specified plant pests without further restriction if the Secretary finds that a permit under subsection (a) of this section is not necessary.

**(2) Petition to add or remove plant pests from regulation**

Any person may petition the Secretary to add a plant pest to, or remove a plant pest